



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

May 24, 2013

The Court agrees with the Government that there is no need to subject the Government or the FBI to the terms of the protective order given that the disclosure and use of wiretap materials by investigative and law enforcement officers are controlled by Title III itself, see 18 USC Sec. 2517.

BY E-MAIL

The Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2202  
New York, New York 10007

Re: United States v. Alimzhan Tokhtakhounov et al.,  
13 Cr. 268 (JMF)

SO ORDERED.

May 28, 2013

Dear Judge Furman:

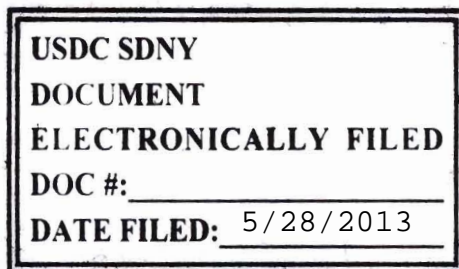
As directed by Your Honor's May 22, 2013 Order, the Government has conferred with defense counsel through Messrs. David Chesnoff and Martin Weinberg regarding a proposed protective order with respect to the wiretap materials produced in discovery. The parties have reached agreement on a form of order (attached), with one exception. Messrs. Chesnoff and Weinberg have indicated that other defense counsel have requested that the protective order also apply to the Federal Bureau of Investigation ("FBI"), in addition to the defendants and their counsel. The Government does not believe that it is necessary or appropriate to include the FBI in a protective order. The Government has long been subject to the sealing order governing the wiretaps in this case and to the restrictions of Title III, and there is thus no need to include the FBI in any protective order. Furthermore, the purpose of a protective order is to restrict the disclosure and use of materials produced by the Government *to the defendants*. As such, protective orders do not generally apply to the Government. Accordingly, the Government respectfully requests that the Court enter the form of order attached hereto.

Respectfully submitted,

PREET BHARARA  
United States Attorney

By:

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Peter Skinner  
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Attachment

cc: David Chesnoff, Esq.  
Martin Weinberg, Esq.